

**BERGMAN BERGMAN FIELDS
& LAMONSOFF, LLP**
801 S. Broadway
Hicksville, New York 11801

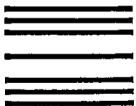


SAM'S EAST, INC.
708 SW 8th Street
Bentonville AR 72712-6209

062S0010101913



\$0.650
US POSTAGE
FIRST-CLASS
FROM 11801
AUG 24 2020
stamps endicia



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

Index No.: 605796/2020

-----X

ANTOINETTE GAMBINO,

Plaintiff(s),

NOTICE

-against-

SAM'S EAST, INC.,

Defendant(s).

-----X

SIRS:

PLEASE TAKE NOTICE, that service of the Summons and Verified Complaint has been made upon defendant, SAM'S EAST, INC. pursuant to the provisions of Section 306 of NY Business Corporation Law.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 3215(g), annexed hereto is a copy of the Summons together with the Verified Complaint in the above entitled action served upon the aforementioned defendant via First Class Mail.

DATED: HICKSVILLE, NEW YORK
August 24, 2020



BERGMAN BERGMAN FIELDS
& LAMONSOFF, LLP
By: Clifford D. Gabel
Attorneys for Plaintiff(s)
801 S. Broadway
Hicksville, New York 11801
(516) 739-2220

To:

SAM'S EAST, INC.
Defendant
111 Eighth Avenue
New York, NY 10011

SAM'S EAST, INC.
Defendant
708 SW 8th Street
Bentonville, AR 72716

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

X

ANTOINETTE GAMBINO,

Plaintiff,

-against-

SAM'S EAST, INC.,

Defendant.

X

Index No.:

SUMMONS

Jury Trial Demanded

Plaintiff designates
SUFFOLK County as the
place of trial.The basis of venue is
plaintiff's residence and
location of occurrencePlaintiff resides at
3106 Kane Avenue
Medford, NY 11763

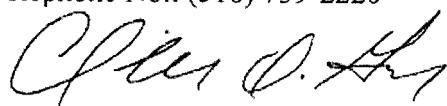
County of SUFFOLK

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: HICKSVILLE, NEW YORK
May 26, 2020

BERGMAN BERGMAN FIELDS
& LAMONSOFF, LLP
Attorneys for Plaintiff(s)
Office & P.O. Address
801 S. Broadway
Hicksville, New York 11801
Telephone No.: (516) 739-2220



By: Clifford D. Gabel

DEFENDANT' ADDRESSES:

See Rider

RIDER

SAM'S EAST, INC.
708 SW 8th Street
Bentonville, AK 72716
c/o C T Corporation System
28 Liberty St.
New York, NY 10005

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK-----X
ANTOINETTE GAMBINO,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

-against-

SAM'S EAST, INC.,

Defendant.

-----X

Plaintiff(s), by her attorneys, BERGMAN BERGMAN FIELDS & LAMONSOFF, LLP, complaining of the defendant(s), alleges the following, upon information and belief:

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF**

1. That at all times mentioned herein, plaintiff was and is a resident of the County of Suffolk, State of New York.
2. That at all times mentioned herein, defendant SAM'S EAST, INC. transacted business in the County of Suffolk, State of New York.
3. That at all times mentioned herein, defendant SAM'S EAST, INC. was and is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
4. That at all times mentioned herein, defendant SAM'S EAST, INC. was and is a foreign corporation duly organized and existing under and by virtue of the laws of a state of Arkansas but licensed to do and doing business within the State of New York.
5. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. owned the premises located at 2950 Horse Block Road, Medford, New York.
6. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. managed the premises located at 2950 Horse Block Road, Medford, New York.
7. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. maintained the premises located at 2950 Horse Block Road, Medford, New York.

8. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. operated the premises located at 2950 Horse Block Road, Medford, New York.

9. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. controlled the premises located at 2950 Horse Block Road, Medford, New York.

10. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. occupied the premises located at 2950 Horse Block Road, Medford, New York.

11. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. was a lessor of the premises located at 2950 Horse Block Road, Medford, New York.

12. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. was a lessee of the premises located at 2950 Horse Block Road, Medford, New York.

13. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. was a landlord at the premises located at 2950 Horse Block Road, Medford, New York.

14. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. was a tenant at the premises located at 2950 Horse Block Road, Medford, New York.

15. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. was a tenant pursuant to a written lease at the premises located at 2950 Horse Block Road, Medford, New York.

16. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. maintained its principal place of business at the premises located at 2950 Horse Block Road, Medford, New York.

17. That on August 25, 2017, there was a SAM'S CLUB located at 2950 Horse Block Road, Medford, New York.

18. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. owned the SAM'S CLUB located at 2950 Horse Block Road, Medford, New York.

19. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. operated the SAM'S CLUB located at 2950 Horse Block Road, Medford, New York.

20. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. maintained the SAM'S CLUB located at 2950 Horse Block Road, Medford, New York.

21. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. managed the SAM'S CLUB located at 2950 Horse Block Road, Medford, New York.

22. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. controlled the SAM'S CLUB located at 2950 Horse Block Road, Medford, New York.

23. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. had a duty to inspect the Premises.

24. That on August 25, 2017, and at all times herein mentioned, defendant SAM'S EAST, INC. had a duty to keep the Premises in proper repair.

25. That at all times mentioned herein, there was a dangerous and defective condition at the aforesaid premises.

26. That at all times mentioned herein, there was a dangerous and defective condition in the ladies' rest room of the aforesaid premises.

27. That on August 25, 2017, plaintiff ANTOINETTE GAMBINO was lawfully a patron at the aforesaid premises.

28. That on August 25, 2017, while plaintiff ANTOINETTE GAMBINO was lawfully and properly at the aforesaid premises, she was caused to slip and/or trip and fall.

29. That the aforesaid fall occurred by reason of and due to the aforesaid dangerous and defective condition.

30. That at all times mentioned herein, defendant had both actual and constructive notice of said dangerous and defective condition.

31. That the defendant, its agents and/or employees caused and created the subject dangerous and defective condition.

32. That the aforesaid occurred by reason of the negligence of the defendant in the ownership, operation, maintenance, management and control of the subject premises.

33. That the aforesaid occurred by reason of the negligence of the defendant, its agents, servants and/or employees in failing to properly hire, train and supervise their employees.

34. That by reason of the foregoing, plaintiff ANTOINETTE GAMBINO was caused to sustain serious, severe and permanent personal injuries, pain and suffering, and special damages.

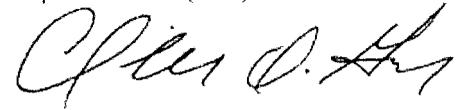
35. That this action falls within one or more of the exceptions of Article 16 of the C.P.L.R. in that it involves a non-delegable duty and/or the reckless disregard for the safety of others.

36. The amount of damages sought in this action by plaintiff ANTOINETTE GAMBINO exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demand judgment against the defendant herein in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: HICKSVILLE, NEW YORK
May 26, 2020

BERGMAN BERGMAN FIELDS
& LAMONSOFF, LLP
Attorneys for Plaintiff
Office & P.O. Address
801 S. Broadway
Hicksville, New York 11801
Telephone No.: (516) 739-2220



By: Clifford D. Gabel

ATTORNEY'S AFFIRMATION

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NASSAU)

I, the undersigned, an attorney admitted to practice in the courts of New York State, state that:

1. I am associated with the law firm of BERGMAN BERGMAN FIELDS & LAMONSOFF, LLP, the attorneys of record for ANTOINETTE GAMBINO in the within action.

2. I have read the foregoing COMPLAINT and know the contents thereof. The same is true to my own knowledge, except as to those matters therein alleged to be on information and belief, and as to those matters, I believe it to be true.

3. The reason this verification is made by me and not by the Plaintiff(s) herein is because the Plaintiff(s) do(es) not reside in the County of Nassau in which said law firm is located.

4. The grounds of my belief as to all matters not stated upon my own knowledge are as follows: based on records and documents in deponent's possession and conversations had with plaintiff.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: HICKSVILLE, NEW YORK
May 26, 2020



Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

ANTOINETTE GAMBINO,

Plaintiff(s),

-against-

SAM'S EAST, INC.,

Defendant(s).

SUMMONS and VERIFIED COMPLAINT

BERGMAN BERGMAN FIELDS & LAMONSOFF, LLP
Attorneys for Plaintiff(s)
801 S. Broadway
Hicksville, New York 11801
(516) 739-2220

Index No. 605796/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

ANTOINETTE GAMBINO,

Plaintiff(s),

-against-

SAM'S EAST, INC.,

Defendant(s).

NOTICE AND SUMMONS AND VERIFIED COMPLAINT

BERGMAN BERGMAN FIELDS & LAMONSOFF, LLP
Attorneys for Plaintiff(s)
801 S. Broadway
Hicksville, New York 11801
(516) 739-2220
